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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHELLE PRZYBOCKI; KETAN
VAKIL; and GOURMEND FOODS, LLC,

Plaintiffs,

v.

Case No. 2:23-cv-00455-ART-DJA

UNITED STATES DEPARTMENT OF
AGRICULTURE; THOMAS J. VILSACK,
in his official capacity as Secretary of
Agriculture; UNITED STATES
DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION
SERVICE; SANDRA ESKIN, in her official
capacity as United States Deputy Under
Secretary for Food Safety; UNITED
STATES FOOD AND DRUG
ADMINISTRATION; and ROBERT
CALIFF, in his official capacity as
Commissioner of the United States Food and
Drug Administration,

Defendants.

ORDER APPROVING

**Stipulation To Extend Time for
Defendants To Respond to the
Complaint and for Plaintiffs To
File Opposition
(Second Request)**

In this case, three plaintiffs assert claims against multiple federal government defendants. Pursuant to a previous stipulation, the current deadline for Defendants to answer or otherwise respond to the complaint is June 16, 2023. ECF No. 34. Defendants plan to move to dismiss the complaint.

Given the number and complexity of the issues to be addressed in Defendants' anticipated motion, and the need for coordination with two different agency clients as well as between at least two different offices within the U.S. Department of Justice, Defendants previously sought an eleven-day extension of time, from June 5 to June 16, 2023, to file their motion to dismiss. ECF No. 33. Because that coordination and consultation is taking longer than expected, Defendants respectfully request an additional one-week extension,

until June 23, 2023, to complete preparation of their filing. Defendants' counsel conferred with Plaintiffs' counsel, who consent to this extension, provided that Defendants agree not to seek any further extensions for this motion and accompanying opening brief, and that Plaintiffs' opposition deadline is extended to August 4, 2023. Defendants agree to these conditions. This is the parties' second stipulation to extend the time for Defendants to respond to the complaint and for Plaintiffs to file their opposition to Defendants' anticipated motion to dismiss.

Accordingly, the parties stipulate as follows:

1. Defendants' deadline to file their anticipated motion to dismiss the complaint is extended from June 16, 2023, to June 23, 2023. This is the final extension that Defendants will receive for their motion and opening brief.

2. Plaintiffs' deadline to oppose Defendants' anticipated motion to dismiss is extended from July 20, 2023, to August 4, 2023.

IT IS SO STIPULATED.

Dated: June 15, 2023

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Dated: June 15, 2023

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Counsel for Defendants

5 IT IS SO ORDERED.

6 

7
8 Anne R. Traum
United States District Court Judge

9 DATED: June 16, 2023